

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re VIRGIL M. DAVIS et al. )  
 )  
Application No. 09/359,083 )  
 )  
Filed: July 22, 1999 )  
\_\_\_\_\_ )

Appeal No. 2010-009544

ORDER GRANTING THE CANCELLATION OF HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for September 14, 2010. The notice setting the hearing was mailed to Applicants on July 28, 2010. The date Applicants received the notice is not apparent from the record. On September 10, 2010, a facsimile letter styled "Request to Reschedule Oral Hearing" was filed, Applicants requested that the oral hearing be rescheduled. The request has been granted.

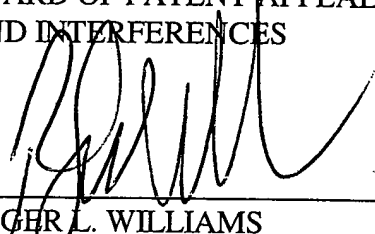
According to counsel:

Due to recent file transfer of this case, and the imminent scheduled hearing date, this has provided insufficient time for the undersigned to appropriately prepare for the hearing. Preparation includes fully considering the issues on appeal, the file history and other relevant issues associated with the case.

After further discussion with counsel on September 13, 2010, it was determined that a better solution would be to cancel the hearing until the attorney has become familiar with the appeal. For these reasons, it is ordered that the oral argument on September 14, 2010 be cancelled.

Counsel shall file any request to reschedule no later than September 24, 2010.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'R. Williams', is written over a horizontal line.

ROGER L. WILLIAMS  
Administrative Officer  
(571) 272-9797

FAX DATE : Tuesday, September 14, 2010  
FAX PHONE: (646) 710-5461

Stephen Manetta  
Chadbourn & Parke, LLP  
30 Rockefeller Plaza  
New York, NY 10112